

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
PECOS DIVISION

SHAWN WRAY AND  
ANDER WRAY

VS.

FLYING STAR TRANSPORT, LLC  
and CHARLES BRENT DUMOND

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CIVIL ACTION NO. 4:19-cv-00023

JURY TRIAL REQUESTED

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**DEFENDANT FLYING STAR TRANSPORT, LLC'S  
NOTICE OF REMOVAL**

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TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendant FLYING STAR TRANSPORT, LLC files this Notice of Removal pursuant to 28 U.S.C. §§1441 and 1446, showing the following basis for removal.

**INTRODUCTION**

1. Plaintiffs, SHAWN WRAY and ANDER WRAY, filed Plaintiffs' Original Petition against Defendants on May 3, 2019, under Cause No. 19-05-25025-CVW, *Shawn Wray and Ander Wray v. Flying Star Transport, LLC and Charles Brent Dumond*, pending in the 143<sup>rd</sup> Judicial District Court, Ward County, Texas. Citations upon the Defendants were issued on May 9, 2019.

2. Defendant, FLYING STAR TRANSPORT, LLC was served with Plaintiffs' Original Petition by and through its registered agent on May 15, 2019.

3. Defendant, CHARLES BRENT DUMOND has not been served as of the filing of this Notice of Removal.

4. This original Notice of Removal is filed within thirty days of service upon Defendant FLYING STAR TRANSPORT, LLC, the statutory period for removal as required under 28 U.S.C. §1446(b).

#### **JURISDICTION**

5. This court has removal jurisdiction over this lawsuit pursuant to 28 U.S.C. §§1441 and 1446 and based upon diversity of citizenship under 28 U.S.C. §1332. Plaintiff SHAWN WRAY is domiciled in Alabama and is a citizen of that state. Plaintiff ANDER WRAY is domiciled in Alabama and is a citizen of that state. Defendant FLYING STAR TRANSPORT, LLC is a limited liability corporation with its members residing in Texas and is therefore a citizen of that state. Defendant CHARLES BRENT DUMOND is an individual residing in Texas and therefore is a citizen of that state. Thus, there is diversity of citizenship between Plaintiffs and Defendants.

6. Consistent with TEX. R. CIV. P. 47, Plaintiffs seek monetary relief in excess of \$200,000 but not more than \$1,000,000 in their Original Petition. Plaintiffs seeks to recover damages for bodily injuries, including past and future physical pain and suffering, past and future mental anguish, past and future physical disfigurement, past and future economic losses, past and future diminished capacity to enjoy life, and past and future reasonable and necessary medical expenses. Therefore, based on information and belief of Defendants herein, Plaintiffs are seeking damages in excess of this court's jurisdictional minimum of \$75,000.00, excluding interest and costs.

7. All pleadings, process, orders, and other filings in the state court action in the possession of Defendants are attached to this notice as required by 28 U.S.C. §1446(a).

8. Venue is proper in this district under 28 U.S.C. 1391(b)(2) because the sole basis for Plaintiffs' suit and claim for damages arose from a motor vehicle accident which occurred on or about June 28, 2017 in Ward County, Texas.

9. Defendant FLYING STAR TRANSPORT, LLC will promptly file a copy of this Notice of Removal with the clerk of the state court where the action has been pending.

#### **JURY DEMAND**

10. Defendant FLYING STAR TRANSPORT, LLC hereby makes a demand for a jury trial.

#### **CONCLUSION**

For these reasons, FLYING STAR TRANSPORT, LLC therefore gives notice of its removal of this lawsuit to this Court, and an automatic stay of further proceedings in state district court.

Respectfully submitted,

**RAMEY, CHANDLER, QUINN & ZITO, P.C.**

/s/ Robert L. Ramey

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**ATTORNEYS FOR DEFENDANTS,  
FLYING STAR TRANSPORT, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of *Defendants' Notice of Removal* has been served upon all counsel of record, in accordance with the rules on this 13th day of June, 2019.

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/s/ Robert L. Ramey  
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